



Attorney Docket No.: 03932.P007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application for:

Julian Sinai, et al.

Serial No.: 09/412,050

Filing Date: October 4, 1999

For: TOOL FOR GRAPHICALLY DEFINING
DIALOG FLOWS AND FOR
ESTABLISHING OPERATIONAL
LINKS BETWEEN SPEECH
APPLICATIONS AND HYPERMEDIA
CONTENT IN AN INTERACTIVE
VOICE RESPONSE ENVIRONMENT

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Examiner: Knepper, David D.

Group Art Unit: 2654

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REPLY BRIEF

Dear Sir:

Applicants submit, in triplicate, this Reply Brief pursuant to 37 C.F.R.
§1.193(b)(1), in response to the Examiner's Answer mailed on January 23, 2004,
for consideration by the Board of Patent Appeals and Interferences. Please
charge any amount due, or credit any overpayment, to deposit account 02-2666.

In the Examiner's Answer, the Examiner continues to ignore significant
claim limitations, to read the cited art incorrectly, and to use improper hindsight
based on Applicants' disclosure.

The Examiner essentially suggests that Marx/Butler's general disclosure of connecting a computer system to a Web page over the Internet, together with Marx's disclosure of using a computer to graphically create a dialog flow using dialogue modules, could somehow suggest creating an operational link between a hypermedia page and a component defining a spoken dialog interaction between a person and a machine. Notwithstanding the breadth of some of Applicants' claims (which Applicants acknowledge), the Examiner's position is unsupportable. The functionality recited in Applicants' claims is completely different from merely linking a computer system to a Web page or Web server (which is about as close as Marx/Butler comes to the present invention), even if one of the involved computer systems contains dialogue modules.

Not only does Marx not disclose or suggest that a dialog module itself can be operatively linked to a Web page or other hypermedia page (which would be closer to Applicants' invention, if it were disclosed), but there is not even any hint in Butler or Marx as to why one would want to do this. Marx/Butler's silence in this regard is not surprising, because the claimed functionality is simply not relevant to the problems that Marx and Butler are trying to solve (as noted in the Appeal Brief). The cited combination of art does not come close to suggesting what Applicants claim.

Although the foregoing remarks are believed to be sufficient, Applicants nonetheless would like to address certain statements made in the Examiner's Answer.

Claims 1-6

The Examiner's lengthy response on pages 6-9 of Examiner's Answer (responding to Applicant's arguments on pages 6-8 of the Appeal Brief) is irrelevant and a diversion from the key point: that the cited art fails to teach what is explicitly recited in the claims. The Examiner contends that Applicants' statement about what Marx/Butler fail to disclose "improperly assumes that the claim is directed to a specific use (or user) limited to a particular operational link with a hypermedia page." The Examiner offers three "reasons" to support this contention.

Applicants' response is that their arguments assume nothing; Applicants' arguments are directed to the clear language of the claims, as is quite apparent from the Appeal Brief.

Regardless, the Examiner's three stated "reasons" (pages 6-9 of Examiner's Answer) do not withstand scrutiny. First, the Examiner quotes a number of claim preambles and then states (Examiner's Answer, pp. 6-7):

If the claims were directed towards the particular operation that the resulting link provides, then this would need to be addressed with prior art. However, the claims do not even specify what the desired result of the link is. *No particular operation is claimed. Therefore, the "operational link" would be any form of link that works as desired regardless of the specific operation or desired result of the link.* (Examiner's Answer, p. 7)

Whether or not claim 1 specifies the desired result of the operational link is irrelevant. Applicants' argument is that the cited art does not teach or suggest what is explicitly recited claim 1. Furthermore, contrary to the Examiner's assertion, the "operational link" cannot be merely "any form of link that works as

desired", but rather, according to claim 1, must be an operational link between a hypermedia page and a component defining a spoken dialog interaction between a person and a machine. The cited art does not teach, suggest, or even hint at this.

The Examiner's second "reason" is as follows (Examiner's Answer, p. 7):

Second, the applicant's disclosure on pages 7-10 defines the possible uses of the invention in a very broad fashion." . . . [T]he telephony related applications that the cited prior art performs must be considered properly applied if the claims are clearly drafted and can be interpreted in view of the specification.

This point is also irrelevant. Even if true, it does not change the fact that the cited art still fails to teach or suggest what is explicitly recited in claim 1.

The Examiner's third "reason", which begins on page 8 of the Examiner's Answer, substantially repeats the previously stated basis for the rejection (see Final Office Action) and does nothing to actually rebut Applicants arguments.

Furthermore, the Examiner's third reason shows a lack of understanding of the term "hypermedia". The Examiner states, "Finally, Marx's GUI is itself a hypermedia page because it contains more than one type of media" (Examiner's answer, p. 8). The Examiner apparently confuses the term "hypermedia", which is recited in Applicants' claims, with the term multimedia, which means something completely different and is not recited in Applicants' claims. The term "hypermedia" is well understood by those skilled in the art, and its meaning is clear from Applicants' specification. Applicants wonder if perhaps

all of the rejections that are the subject of this appeal are a result of this misunderstanding of claim terminology by the Examiner.

Applicants maintain the arguments submitted in the Appeal Brief, pages 6-8.

Claims 29-35

The Examiner's remarks regarding the "second editor" in claim 29 (page 10 of Examiner's Answer) ignore the recited functionality of the second editor, i.e., "to allow the user to specify operational links between hypermedia pages and said components." An editor with such functionality is not suggested by the cited art. The Examiner's citation of Marx's disclosure of the "Connectors" option (col. 16, lines 54-57, 61-64) is inappropriate. That disclosure refers to functionally connecting dialogue modules to each other, not to a hypermedia page. Applicants maintain the arguments submitted in the Appeal Brief, pages 8-9.

Claims 44-51 and Claims 7-28

On page 10 of the Examiner's Answer, the Examiner responds to Applicant's arguments regarding independent claims 7 and 44 (see Appeal Brief, pages 9-11). The Examiner contends that "the correspondence between a 'component defining a dialog interaction' and an 'element of the hypermedia page' is illustrated by the ability of the various editor functions to allow a different window to be selected (Fig. 7 and 9-11) in order to edit different features of the dialogue modules" (emphasis added).

However, the ability of various editor functions to allow a window to be selected to edit features of the dialogue modules, assuming *arguendo* Marx discloses this, still is no suggestion of specifying a correspondence between an element of a hypermedia page and an element of a component that represents a spoken dialog interaction between a person and a machine, as per claim 7 or claim 44. Such functionality is not disclosed or suggested in Marx or Butler.

Regarding the “runtime unit” recited in claim 7 (also recited in claims 14 and 36), the Examiner contends that “the text [in Marx] cited at col. 17, lines 38-41 represent [sic] a variety of customizable features common to multiple dialogue modules and therefore will affect dialog interaction wherever they are referenced (i.e. -“during execution of the dialog” as claimed).” Examiner’s Answer, p. 10, last paragraph. However, the Examiner continues to conveniently ignore the claim limitation which requires that the runtime unit is configured to functionally link said component (which defines a dialog interaction between a person and a machine) with the hypermedia page during execution of the dialog, according to the specified correspondence. No such functionality is disclosed or even remotely suggest by the cited art.

As to the Examiner’s contention that “the appellant does not understand the text cited in the reference” (Examiner’s Answer, p. 10, last paragraph), Applicants’ response is that the Examiner is mistaken.

Applicants maintain the arguments submitted in the Appeal Brief, pages 9-11.

Claims 52-64

On page 11 of the Examiner's Answer, the Examiner responds to Applicant's arguments regarding claims 52-64 (see Appeal Brief, pages 12-13). The Examiner mistakenly contends that in Marx, "the dialog service created would define the specific interaction between a person and a machine and a field of a hypermedia page as desired." In fact, no dialog service created in Marx defines an interaction between a person and a machine and a field of a hypermedia page. Applicants maintain the arguments submitted in the Appeal Brief, pages 12-13.

Claims 36-43

Regarding claim 36, the Examiner's Answer merely repeats the basis for the rejection from the Final Office Action and makes no attempt to actually rebut Applicants' arguments in the Appeal Brief (p. 14). The Examiner's silence in this regard underscores the lack of justification for the rejection. Applicants maintain the arguments submitted in the Appeal Brief, pages 13-14.

Claim 65

The Examiner's comments regarding claims 65 (Examiner's answer, p. 11) are equally without merit. The attempt at rebuttal ignores significant claim limitations and fails to read all of the claim limitations together as a whole. Applicants maintain the arguments submitted in the Appeal Brief, pages 14-15.

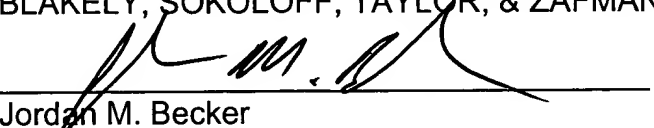
CONCLUSION

For the reasons stated in the Appeal Brief and herein, Applicants maintain that claims 1-70 are not unpatentable based on the cited combination of art. Applicants therefore respectfully request reversal of the rejections.

Respectfully submitted,

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